

FAIR HOUSING & SECTION 504

FY 2014 APPLICATION WORKSHOP





WHAT IS FAIR HOUSING?

Fair housing can be defined as a condition in which individuals of similar income levels in the same housing market have a like range of housing choice available to them regardless of race, color, ancestry, religion, national origin, age, gender, marital status, familial status, source of income, sexual orientation, or disability.

WHAT IS HOUSING DISCRIMINATION?

Housing discrimination is unjust or prejudicial treatment of individuals, in the area of housing and real estate, based on the individual's protected class.

WHAT DOES THIS MEAN TO THE CDBG APPLICANT?

Grantee Certifications required by CDBG governing regulations:

- (1) The awarded grant will be carried out and administered according to the Fair Housing Act, and
- (2) The grantee will work diligently to affirmatively further fair housing

Community Development Block Grant Program (CDBG) - Economic Development Division Development Services Department



THE CITY OF SAN DIEGO



CERTIFICATION REGARDING FY 2014 CDBG APPLICATION SUBMISSION (PS APPLICANTS)

information regarding the secondary review process will be made available to the Consolidated Plan Advisory Board for consideration in their review and scoring of applications.

11. That, if the project is funded, the City of San Diego reserves the right to reduce and/or cancel the allocation if federal entitlements are canceled, reduced, or rescinded.
12. That the project may be approved at a smaller level of funding than was requested, based on the amount of FY 2014 CDBG funding available to award.
13. That a project's FY 2014 funding does not guarantee its continuation in the City's subsequent action plans. Applicant understands that awarded CDBG funds are NOT an ongoing source of operating support. Even if approved for FY 2014 funding, there is no guarantee that approved projects will receive funding in future years.
14. That, if the project is funded, a written executed contract that includes a statement of work, records retention and reporting, program income procedures, local and federal requirements, circumstances that would trigger grant suspensions and terminations, and reversions of assets would be required between the applicant and the City of San Diego.
15. That, if the project is funded, the applicant shall comply with all federal and City policies and requirements, City procedures must be followed, as applicable to the CDBG Program.
16. That, if the project is funded, all required federal and City certifications and assurances shall be adhered to.
17. That, if the project is funded, the applicant shall not use CDBG funds for grant writing, fundraising or lobbying per OMB Circular A-87.
18. That, if the project is funded, the applicant understands that CDBG funds may not be utilized to support inherently religious activities such as worship, religious instructions, or proselytization. Applicant understands that CDBG funds can only be utilized to pay for activities attributable to CDBG-eligible activities and the project must serve all eligible beneficiaries without regard to religion.
19. That, if the project is funded, the applicant understands that Fair Housing materials/ brochures must be posted and/or accessible at the program locations. Applicant also understands that project facilities may be reviewed for compliance with Section 504 and ADA requirements.
20. That, if the project is funded, the City will perform a National Environmental Policy Act (NEPA) review prior to the obligation of funds (execution of a written agreement).
21. That proof of required insurance coverage will be submitted to the City prior to the execution of a written agreement. Applicant understands that the execution of a written agreement will be delayed until proof of required insurance is submitted to the City.
22. That written signatory authority from the applicant's governing body indicating who can execute written agreements/contracts and amendments on its behalf has been included with this application packet.
23. That, if the project is funded, sufficient funds are available from non-CDBG sources to complete the project as described on a reimbursement basis.



PROTECTED CLASSES (FEDERAL LAW)

Race	National Origin
Color	Familial Status
Religion	Disability
Sex (Gender)	

ADDITIONAL PROTECTED CLASSES (STATE LAW)

Marital Status	Medical Condition
Age	Sexual Orientation
Source of Income	Other Arbitrary Status

COMMON VIOLATIONS OF FAIR HOUSING LAW

- Refusing to Rent, Lease or Sell Housing
- Sexual Harassment
- Discriminatory Policies, Practices, Terms or Conditions
- Refusal to Permit Reasonable Modifications / Accommodations
- Denial of Home Loan or Homeowner's Insurance

“PRACTICE FAIR HOUSING” PROGRAM

- Fair Housing Hotline: **1-800-462-0503**
- Speak with Housing Counselor – facts and details
- Referral to Legal Services (if merited)
- Assistance to resolve
- Unresolved complaints may be litigated

REGIONAL ANALYSIS OF IMPEDIMENTS

www.sandiego.gov/cdbg/fairhousing

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CERTIFICATION REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973 FY 2014 CDBG PROGRAM APPLICATION PROCESS

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities in the operation of programs receiving federal financial assistance. HUD regulations implementing Section 504 contain accessibility requirements for new construction and rehabilitation of housing as well as requirements for ensuring that the programs themselves are operated in a manner that is accessible to and usable by persons with disabilities. Both individual units and the common areas of buildings must be accessible under Section 504.

Section 504 states that "no qualified individuals with a disability in the United States shall be excluded from, denied the benefits of, or be subject to discrimination under" any program or activity that receives Federal financial assistance. Requirements common to these regulations include program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations (See 24 CFR Part 8). Further information concerning compliance with any of these requirements may be obtained through the HUD web page: <http://portal.hud.gov/portal/page/portal/HUD/programdescription/sec504>.

Signature and Certification:

The undersigned certifies that it has read and understands all of its obligations under the Section 504 requirements. The undersigned acknowledges that this certification will be relied upon by the City of San Diego in its review and approval of proposed funding and any misrepresentations of information or failure to comply with any conditions stated in this certification could result in disqualification of the application, disallowance of reimbursement requests, or termination of CDBG contract. The undersigned also agrees to cooperate in any compliance review and to provide reasonable access to the premises of all places of business and employment and to records, files, information and employees therein to City of San Diego for reviewing compliance with Section 504 requirements.

- ☐ Good faith self-certification
- ☐ Not in compliance with Section 504/ADA requirements, but seeking CDBG funds to address Section 504 issues
- ☐ Not in compliance with Section 504/ADA requirements, but in compliance with City-approved Compliance Plan

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative



Section 504 of the Rehabilitation Act of 1973

Prohibits discrimination based on disability in ANY program or activity receiving federal financial assistance.

DISABILITY – A DEFINITION

- Person with a physical or mental impairment that limits one or more major life activity
- Has a record of having a disability
- Is regarded as having that type of impairment
- Includes certain medical conditions such as:
HIV/AIDS, alcoholism, recovering alcohol or drug user, hoarding, PTSD, etc.

Does NOT include: kleptomania, pyromania, compulsive gambling and current illegal use of a controlled substance

EQUAL RIGHTS TO PROGRAMS

- Materials in alternative formats (LARGE FONT, Braille)
- Audio Recordings
- Telephone Handset Amplifiers
- Telecommunication Devices
- Interpreters, note-takers, readers

EQUAL RIGHTS TO ACCESSIBILITY

- Clear public path of travel / Width of doorways
- Entrance ramps, elevators
- Parking with universal logo signage
- Ability to open the door of entry (weight 5 lbs)
- Use of drinking fountains
- Use of restrooms
 - Grab bars
 - Height of commode and sink

SERVING DESIGNATED POPULATIONS

- Units may be restricted to specific disabilities – if authorized by federal statute or executive order
- Necessary to provide access to housing, aid, benefits or services that are as effective as those provided to others.

*Community Development Block Grant Program (CDBG) - Economic Development Division
Development Services Department*



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**CERTIFICATION REGARDING COMPLIANCE WITH
CIVIL RIGHTS ACT AND AMERICANS WITH DISABILITIES ACT
FY 2014 CDBG PROGRAM APPLICATION PROCESS**

The organization listed below certifies that it complies with and prohibits discrimination in accordance with Title VI of the Civil Rights Act of 1964. Written documents outlining this organization's non-discrimination policy are on file and available for review. (See 28 CFR 35.)

It is further certified that this agency has reviewed its projects, programs, and services for compliance with all applicable regulations contained in Title II, Americans with Disabilities Act of 1990. Written documentation concerning this review and corrective actions taken (if any) are on file and available for review.

Name of Agency

Signature of Authorized Signing Official/Representative

Date

Print/Type Name of Authorized Signing Official/Representative

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

- Federally Assisted Programs
- Prohibits:
 - Exclusion from Participation
 - Denial of Benefits
 - Discrimination
- Race, Color or National Origin

TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

- Prohibits discrimination based on disability
 - Programs
 - Services
 - Activities
- Public entities
 - State and local governments
 - Partners, agencies, other instrumentalities
- Federal funding not required

SUMMARY OF FEDERAL REGULATIONS

Fair Housing and Equal Opportunity

Attachment: Applicable Civil Rights Laws, Their Applicable Regulations and Coverage

CIVIL RIGHTS LAW	REGULATIONS	WHO MUST COMPLY?
Title VI of the Civil Rights Act of 1964 (42 USC 2000d)	24 CFR Part 1	Participants in all CPD programs receiving Federal financial assistance and their subrecipients.
The Fair Housing Act (42 USC 3601-3620)	24 CFR Parts 100, 103,110,115 & 121	All CPD program participants and their subrecipients involved in housing-related activities. Includes Affirmatively Furthering Fair Housing (AFFH).
Executive Order (E.O. 11063, as amended)	24 CFR 107	Participants and their subrecipients that use CPD funds for programs involving the provision, rehabilitation, or operation of housing and related facilities.
Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794)	24 CFR Part 8	Participants and their subrecipients in all CPD programs that receive Federal financial assistance.
Title II of the Americans with Disabilities Act of 1990 (Public Law 101-336)	28 CFR 35 (Department of Justice)	State and local governments and their partners, agencies, and other instrumentalities, even if no Federal funding is provided.
Age Discrimination Act of 1975 (42 USC 6101-07)	24 CFR Part 146	Participants and their subrecipients in all CPD programs that receive Federal financial assistance.
Executive Orders 11246, 12086, 11375	41 CFR Chapter 60 (Department of Labor)	Participants and their subrecipients in all CPD programs receiving Federal financial assistance. Applicable to all their own and subrecipients' employment activities.
Section 3, Housing and Urban Development Act of 1968 (12 USC 1701u)	24 CFR Part 135	Participants and their subrecipients in CPD programs that generate employment and other economic opportunities for low- and very-low income persons and business concerns and the participant's subrecipients, contractors, and subcontractors where the entity meets the applicable monetary threshold.
Section 562 of the Housing and Community Development Act of 1987 (42 USC 3608a)	24 CFR Part 121	Participants and their subrecipients in all CPD programs are required to collect and report specified data.
Section 109 of the Housing and Community Development Act of 1974 (42 USC 5309)	24 CFR Part 6	Participants and their subrecipients in all CPD programs receiving funds in whole or in part under Title I of the Housing and Community Development Act of 1974.
Executive Order 12898, Environmental Justice	24 CFR Parts 50.4(i) and 58.5(j)	States, local governments, other participants, and their subrecipients in all CPD programs receiving Federal financial assistance, including other entities that are recipients or subrecipients of funding.
Title IX of the Education Act Amendments of 1972 (20 USC 1681 et. seq.)	24 CFR Part 3	Participants and subrecipients administering CPD programs containing any training and/or education components.
Section 104(b)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304)	24 CFR 570.487(b)	Participants and their subrecipients funded under Title I of the Housing and Community Development Act of 1974

FAIR HOUSING REGULATIONS

Federal

Fair Housing Act / Fair Housing Amendments Act

Part of Civil Rights Act of 1968 / Amended 1988

42 USC Section 3601 *et. seq.* “Title VIII” / 24 CFR Part 14 *et. al.*

Section 504 of the Rehabilitation Act of 1973

29 USC Section 794 / 24 CFR Part 8

FAIR HOUSING REGULATIONS

State

California Fair Employment and Housing Act of 1963

Government Code Sections 12900-12996

Unruh Act Civil Rights Act

California Civil Code Sections 51-51.3

Government Code Section 11139.3

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